IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SHERRI JENKINS, 1401 Plantation Manor Court St. Peters, MO 63303 Plaintiff, vs. DENNY'S, INC., a corporation, SERVE REGISTERED AGENT AT: CT Corporation System 120 South Central Avenue Clayton, MO 63105 Defendant.	NO: 4:17-cv-758

PETITION

COUNT I
Negligence
(Sherri Jenkins v. Denny's, Inc., a corporation)

Now comes the Plaintiff, Sherri Jenkins, by and through her attorneys, Rich, Rich & Cooksey, P.C. and for her cause of action against the Defendant, Denny's, Inc., a corporation, and respectfully represents unto the Court as follows:

1. That the Plaintiff, Sherri Jenkins, is a citizen of St. Peters, in the County of St. Charles, and the State of Missouri.

2. That the Defendant, Denny's, Inc., a corporation, is a foreign corporation with its principle place of business in Spartanburg, South Carolina.

3. That the amount in controversy exceeds the sum or value of $75,000.00, exclusive of costs interest and costs.

4. That jurisdiction of this Court is proper under 28 U.S.C. §1332, diversity of

citizenship.

5. That this action properly lies in this district pursuant to 28 U.S.C.A. § 1391, because the claim arose in this judicial district.

6. That at all times relevant hereto the Defendant, Denny's, Inc., a corporation (hereinafter referred to as Denny's), is authorized to do business in the State of Missouri and does business as a restaurant in St. Charles County, Missouri and invites patrons and others onto its premises to conduct business.

7. That at all times relevant hereto the Defendant, Denny's, possessed, operated, managed, maintained and controlled or had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through its agents, servants and employees, the premises upon which it conducted business located at 3939 Veterans Memorial Parkway, St. Peters, Missouri 63376.

8. That the Defendant invited the general public, including the Plaintiff, to enter and exit the subject premises for the purposes of conducting business activities within the aforementioned premises.

9. That it then and there became and was the duty of the Defendant, individually and through its agents, servants, and employees, to keep the premises in a reasonably safe condition for the Plaintiff and other persons lawfully in and about the premises and, further, not to create or allow any dangerous conditions to exist on or about the premises.

10. That at the aforementioned location, and on or about December 25, 2016, the Defendant, Denny's, well knowing its duty in this regard, carelessly and negligently caused and permitted the premises to become and remain in a dangerous condition for persons using said premises, especially patrons, although the Defendant knew, or in the exercise of ordinary and

reasonable care should have known, of said dangerous condition.

11. That at all times relevant hereto, the Plaintiff, Sherri Jenkins, was lawfully on the aforesaid premises as a paying customer and exercising due care for her own safety.

12. That on December 25, 2016, the Plaintiff, Sherri Jenkins, was entering the aforesaid premises when she slipped on a foreign substance which had accumulated on the floor, causing her to sustain severe injuries.

13. That at the aforesaid time and place, the Defendant, by and through its agents and servants, committed one or more of the following acts of negligence and/or omissions which directly and proximately caused the accident to occur:

a. It failed to manage, inspect, clean, and maintain its premises in a safe condition;

b. It failed to have a safe procedure for cleaning foreign substances on the aforesaid premises;

c. It failed to provide a safe ingress and egress in the premises;

d. It failed to provide a good, safe and proper place for the Plaintiff to, use, occupy and walk on while on the common areas of the premises;

e. It allowed and permitted the premises to become and remain in an unsafe, defective, and/or dangerous condition, which it knew or should have known existed, namely by allowing a foreign substance to remain on the premises;

f. It failed to inspect the premises to be certain it was in good, safe and/or proper condition;

g. It failed to warn the Plaintiff and others of the unsafe, defective and/or dangerous condition of the said premises; and

h. It failed to place warning signs or cones in a manner visible to customers in the area to warn customers of the spill.

14. That as a direct and proximate result of one or more of the following acts of negligence and/or omissions, the Plaintiff, Sherri Jenkins, was injured as follows:

a. The Plaintiff was made sick, sore, lame, disordered and disabled and suffered extensive injuries to her head, body, and limbs, both internally and externally;

b. The Plaintiff received injuries to her neck;

c. The Plaintiff received injuries to her back;

d. The Plaintiff received injuries to her knees;

e. The Plaintiff received injuries to her right shoulder;

f. The Plaintiff received injuries to the soft tissues of the cervical, shoulder, and lumbar area, including the muscles, ligaments, tendons and nerves;

g. The Plaintiff has expended money for necessary medical care, treatment and services and will be required to expend money for medical care, treatment and services in the future;

h. The Plaintiff has suffered disability as a result of her injuries;

i. The Plaintiff has experienced pain and suffering and will be reasonably certain to experience pain and suffering in the future as a result of the injuries; and

j. The Plaintiff has lost money from the loss of wages and will suffer an impairment of future earning capacity.

WHEREFORE, the Plaintiff, Sherri Jenkins, prays judgment against the Defendant, Denny's, Inc., for a fair and just award in excess of Seventy-five Thousand Dollars ($75,000.00) plus costs of this suit.

Respectfully submitted,

/s/Thomas C. Rich
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AFFIDAVIT

Now come Rich, Rich & Cooksey, P.C. attorneys for the Plaintiff in the above titled action and at the time of the filing of this Complaint have reasonable grounds to believe that the damages to the Plaintiff as a result of the injuries sustained herein will be in excess of Seventy-five Thousand Dollars ($75,000.00) plus costs of this suit.

2/7/17_____
Date

_/s/ Thomas C. Rich ____________________
BY: RICH, RICH, & COOKSEY, P.C.

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